

Application No. 10/633,397

AMENDMENTS TO THE CLAIMS

A detailed listing of all claims that are, or were, in the present application, irrespective of whether the claim(s) remains under examination in the application are presented below. The claims are presented in ascending order and each includes one status identifier. Those claims not cancelled or withdrawn but amended by the current amendment utilize the following notations for amendment: 1. deleted matter is shown by strikethrough for six or more characters and double brackets for five or less characters; and 2. added matter is shown by underlining.

1-9. Cancelled.

10. (Original) A dynamic bioabsorbable staple for use with a wound in living tissue having opposed sides, the staple comprising:

a staple body including a pair of staple arms operably joined at a shoulder portion by a backspan, each arm further including an elbow portion having an inwardly projecting cleat, the staple arms, the inwardly projecting cleats and the backspan defining an internal tissue capture zone; and

each shoulder portion including an interior shoulder angle generally defined by the backspan and the staple arm, the shoulder portion constructed so that the interior shoulder angle is between 70°-100° in a first position at an insertion time, the interior shoulder angle transitioning to between 120°-180° in a second deformed position at a second time subsequent to the insertion time in response to lateral forces naturally exerted by the opposed sides of the wound.

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11. (Original) The staple of claim 10, wherein each elbow portion includes an interior elbow angle generally defined by the staple arm and the cleat, the elbow portion constructed so that the interior elbow angle is less than  $70^{\circ}$  in the first inserted position at the insertion time, the interior elbow angle transitioning to a maximum of  $90^{\circ}$  in the second deformed disposition at the second time.
12. (Original) The staple of claim 10, wherein the second time is not less than 12 hours subsequent to the insertion time.
13. (Cancelled).